

Exhibit 1

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

KATHRYN HYLAND, MELISSA
GARCIA, ELDON R. GAEDE, JESSICA
SAINT-PAUL, REBECCA SPITLER-
LAWSON, MICHELLE MEANS,
ELIZABETH KAPLAN, JENNIFER
GUTH, and MEGAN NOCERINO,
individually and on behalf of all others
similarly situated,

Plaintiffs,

v.

NAVIENT CORPORATION and
NAVIENT SOLUTIONS, LLC,

Defendants.

Case No. 18-cv-9031-DLC

**PLAINTIFFS' FIRST SET OF REQUESTS FOR PRODUCTION OF
DOCUMENTS TO DEFENDANTS**

Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure (“FRCP”), Plaintiffs Kathryn Hyland, Melissa Garcia, Eldon R. Gaede, Jessica Saint-Paul, Rebecca Spitler-Lawson, Michelle Means, Elizabeth Kaplan, Jennifer Guth, and Megan Nocerino (the “Named Class Representatives” and, together with the “Unnamed Class Members,” defined *infra*, the “Plaintiffs”), hereby request that Defendants Navient Corporation and Navient Solutions, LLC (the “Defendants”) respond to the following requests for production (“Requests”), in writing and under oath, in accordance with the definitions and instructions set forth below and, in no event, more than thirty (30) days after service of these Requests.

DEFINITIONS

1. “Action” shall refer to the above-captioned case.
2. “Communication” or “communications” shall mean spoken, written, or electronic transmission of information or requests for information, including, without limitation, conversations, telephone calls, meetings, discussions, conferences, seminars, letters, memoranda, facsimiles, telecopies, telexes, e-mails, and on-line postings.
3. “Date” shall mean the exact day, month, and year, if ascertainable; otherwise, the word “date” means the best available approximation, including the relationship between the event or communication for which a date is sought and other events.
4. “Department of Education” shall refer to the U.S. Department of Education.
5. “Direct Loan” or “Direct Loans” shall refer to loans issued under the Direct Loan Program, defined *infra*.
6. “Direct Loan Program” shall refer to the post-1994 federal student loan program consisting of four loan types: (i) Direct Subsidized Loans; (ii) Direct Unsubsidized Loans; (iii) Direct PLUS Loans; and (iv) Direct Consolidation Loans.
7. “Document” or “documents” shall be defined as broadly as permitted under the FRCP and applicable case law, and shall include all materials and tangible objects conveying or carrying spoken, visual, or literal substance including, without limitation, the original and all copies, including non-identical copies, of all correspondence, memoranda, letters, papers, communications, video or audio tape recordings, stenographic or handwritten notes, contracts, studies, publications, books, pamphlets, calendars, day planner entries, pictures, films, photographs, videos, slides, movies, voice recordings, maps, graphs, charts, reports, surveys, minutes, source

code, object code, statistical compilations or other data compilations from which information can be obtained or translated, if necessary, into reasonable useable form by devices available to you; and, further, includes every copy of such document or material in your possession, even if the original is not in your possession, custody, or control and every copy of every such document where such copy is not an identical copy of an original or where such copy contains any commentary or notations whatsoever that do not appear on the original. The terms “document” or “documents” also specifically include all data stored in a computer or similar device, data stored on removable magnetic or optical media (e.g., USB thumb drives, external hard drives, and recordable optical discs), e-mail (including deleted e-mail), data used for electronic interchange, audit trails, digitized audio, and/or voicemail, and any and all backup copies of such data.

8. “Federal Family Education Loan Program” or “FFEL Program” shall refer to the federal student loan program in existence until 2010 consisting of four loan types: (i) Subsidized Federal Stafford Loans; (ii) Unsubsidized Federal Stafford Loans; (iii) FFEL PLUS Loans; and (iv) FFEL Consolidation Loans.

9. “FFEL Loan” or “FFEL Loans” shall refer to loans issued under the FFEL Program.

10. “Income-driven repayment plans” or “IDR plans” shall refer to student loan repayment plans that allow eligible borrowers to pay a monthly amount that is determined by their income and family size. With respect to loans issued under the FFEL Program, such plans include: (i) the Income-Based Repayment Plan; and (ii) the Income-Sensitive Repayment Plan. With respect to loans issued under the Direct Loan Program, such plans include: (i) the Revised Pay As You Earn Repayment Plan (or “REPAYE”); (ii) the Pay As You Earn Repayment Plan (or “PAYE”); (iii) the Income-Based Repayment Plan; and (iv) the Income-Contingent Repayment Plan (or “ICR”).

11. “Person” or “persons” shall include individuals, corporations, partnerships, firms, proprietorships, associations, governmental units, and every other type of organization or entity.

12. “Public Service Loan Forgiveness Program” or “PSLF Program” shall refer to the program enacted by Congress in 2007, pursuant to the College Cost Reduction and Access Act, Pub. L. No. 110-84, § 401, 121 Stat. 784, 800 (2007) (codified at 20 U.S.C. § 1087e(m)), which is the subject of this lawsuit.

13. “Relevant Time Period” shall refer to the time period between September 27, 2007, the date the College Cost Reduction and Access Act was passed into law, and October 3, 2018, the date the Complaint was filed in this Action.

14. “Servicing Contracts” shall refer to the contracts executed between the Department of Education and Defendants (including any change orders, modifications, amendments, supplements, etc.), setting forth the terms under which Defendants will administer borrowers’ loans and communicate with borrowers on behalf of the lender or the Department of Education about their loans.

15. “Unnamed Class Members” shall refer to the group of unnamed individuals on behalf of whom this Action was brought.

16. “You” or “your” shall refer to Defendants or their agents, attorneys, representatives, or any other person acting on their behalf.

INSTRUCTIONS

1. Provide all information reasonably available to you in response to the Requests, including any information available to any person acting or purporting to act on your behalf. You may not solely rely on any information in your personal knowledge. To the extent you cannot fully answer the Request after exercising reasonable diligence to obtain such information, please state so and answer the Request to the best of your ability, including how any missing information may be secured.

2. If an objection is made to any Request or part thereof under FRCP 34, the objection shall state with specificity all grounds for that objection. No part of any Request shall be left unanswered merely because an objection has been interposed to another part of the request and if any documents responsive to any Request are being withheld on any grounds, you must state so explicitly in your response to the Request.

3. For all purposes herein, all spelling, syntax, grammar, abbreviations, idioms, and proper nouns shall be construed and interpreted to give them proper meaning and consistency in their context.

4. The use of a verb in any tense shall be construed as the use of the verb in all other tenses.

5. In the event there is any objection to any Request on the grounds of privilege, you shall adhere to the requirements set forth in Local Civil Rule 26.2 of this Court.

6. This discovery is continuing in nature. If, after you respond to the following Requests, you discover information that would change or supplement your responses, you must furnish such information to counsel for the Named Class Representatives.

REQUESTS FOR PRODUCTION

1. Any documents (including call scripts and call flow procedures) containing policies or procedures applicable as of or during the Relevant Time Period that are related to Defendants' evaluation of, or communication with or about, the Plaintiffs regarding their eligibility for the IDR plans or the PSLF Program either collectively or on an individual basis.

2. Any Servicing Contracts applicable to the Plaintiffs' FFEL Program or Direct Loan Program loans entered as of or during the Relevant Time Period.

3. Any recordings and/or transcripts of phone calls with Named Class Representatives.

4. Any recordings and/or transcripts of phone calls furnished to the Department of Education Federal Student Aid office in connection with its 2017 audit of Navient.

Dated: December 12, 2018
New York, NY

Respectfully submitted,
SELENDY & GAY PLLC

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Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

This is to certify that on December 12, 2018, I served Plaintiffs' First Set of Requests for Production of Documents to Defendants to all counsel of record in this Action via electronic mail.

Dated: December 12, 2018
New York, NY

Respectfully submitted,

SELENDY & GAY PLLC

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